

“EXHIBIT 6”

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STATEMENT OF

POLICE OFFICER III JESUS MARTINEZ (2nd Intv.)

Senior Administrative Clerk V. Shaw, Serial No. N4488, reviewed the digital recording (TP97255, F004-22) and transcription of Officer Martinez's interview. The inaudible recordings that were clearly audible are listed below. All others remain inaudible.

<u>PAGE</u>	<u>LINE</u>	<u>INAUDIBLE/CORRECTIONS</u>
04 thru 56	01 thru 02	REPLACE: DETECTIVE FULLER WITH: ATTORNEY WINSLOW
08	01	REPLACE: designated WITH: designates
09	04	REPLACE: Noles WITH: Knolls (throughout)
09	05	REPLACE: try to come WITH: come and try to
09	06	REPLACE: to WITH: him come out
11	12	REPLACE: if WITH: - um
12	09	REPLACE: details WITH: detailed
13	17	REPLACE: time WITH: team
15	08	REPLACE: other WITH: another
15	14	REPLACE: the time WITH: times , he would
16	09	ADD: bring stuff up
26	02	REPLACE: doing WITH: going
27	05	REPLACE: agitate WITH: agitated
37	24	ADD: case scenario
50	18	REPLACE: be WITH: INAUDIBLE
51	12	REPLACE: done WITH: gone
53	07	REPLACE: I can - - I can WITH: I couldn't - - I couldn't
59	22	REPLACE: I WITH: where it

PROTECTIVE ORDER

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LOS ANGELES POLICE DEPARTMENT

In the Matter of:)
Officer-Involved Shooting) FID No. 004-22
Transcription of Taped Interview)
Of Jesus Martinez)
_____)

MURILLO V. COLA
CV22-03188 DMG (SKx)

TRANSCRIPTION OF TAPE RECORDED INTERVIEW

SUBJECT TO
OF OFFICER III JESUS MARTINEZ

PROTECTIVE ORDER

Transcribed by:
Andrew Dayton
CSR No. 13353

Job Number:

TP97255

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CITY 000826

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Los Angeles Police Department

CD No. MartinezJ2

DETECTIVE RHEAULT: Today's date is February 2nd, 2022. The time now is 2041 hours. I'm Detective Anthony Rheault. First name, common spelling. Last name, R-h-e-a-u-l-t. Serial Number 33961. Assigned to Force Investigation Division. And I'm here at Foothill Station to interview Police Officer III Jesus Martinez, Serial Number 37593, regarding an officer-involved shooting incident that occurred at 12935 Desmond Street, spelled David, Edward, Sam, Mary, Ocean, Nora, David Street, on February 1st, 2022.

Also present for the interview is?

DETECTIVE FULLER: Detective Justin Fuller, J-u-s-t-i-n, F-u-l-l-e-r. Serial Number 37232. Force Investigation Division.

ATTORNEY WINSLOW: David Winslow, W-i-n-s-l-o-w.

Attorney for Officer Martinez

DETECTIVE RHEAULT: Okay. Officer Martinez, has everyone in the room been identified?

OFFICER MARTINEZ: Yes, sir.

DETECTIVE RHEAULT: Okay. And yesterday, prior to our -- the first interview, I asked if you'd provide a voluntary statement. You refused. I ordered you, I

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1 compelled you to provide a statement under threat of
2 removal. I just want to let you know that order is
3 still in place and I'm ordering you to comply with this
4 interview as well.

5 OFFICER MARTINEZ: Yes.

6 DETECTIVE RHEAULT: All right. So let me ask you a
7 couple questions, just some housekeeping here. During
8 the incident, were you wearing a mask?

9 OFFICER MARTINEZ: No, I wasn't.

10 DETECTIVE RHEAULT: Okay. Any explanation for that?

11 OFFICER MARTINEZ: Due to the tactical escalation
12 and -- or tactical operation, I'm sorry, I felt the
13 need, I needed to communicate with my partner who was
14 assigned less lethal. I was assigned contact in the
15 beginning. And due to the fact that I was negotiating
16 and trying to speak with the suspect, I felt like I
17 couldn't use it.

18 DETECTIVE RHEAULT: Couldn't use it? And what --
19 what would it prevent? What would -- would --

20 OFFICER MARTINEZ: I felt that if I had it on, maybe
21 they could -- my partners couldn't hear me if it
22 escalated to something else, or, yeah. If it -- if it
23 put their lives in danger and I needed to say something
24 out loud and they couldn't hear me.

25 DETECTIVE RHEAULT: I see. Thank you.

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1 DETECTIVE FULLER: Does it deteriorate the -- your
2 audibility or the clarity and -- when you speak?

3 OFFICER MARTINEZ: It does, especially if, you know,
4 someone's yelling or there's sirens and I'm in the car
5 or, you know, it needs to be clear, people have helmets
6 on, yeah, it does take away from the clarity.

7 DETECTIVE RHEAULT: Okay. And prior to this
8 interview, did you have an opportunity to view your body
9 worn video in full?

10 OFFICER MARTINEZ: Yes.

11 DETECTIVE RHEAULT: Okay. We conducted a search
12 today for any available digital in-car video and we
13 could not locate any. Are you good to continue with
14 this interview without having watched DICVS if it -- if
15 it exists?

16 OFFICER MARTINEZ: Yes.

17 DETECTIVE RHEAULT: Okay. And as we mentioned
18 yesterday, if it does exist, we could not find it in the
19 KOBAN system. It you parked a good distance away and
20 it did not capture the event which occurred facing the
21 residence. Yeah?

22 OFFICER MARTINEZ: Yes.

23 DETECTIVE RHEAULT: Okay. Again, who was your
24 partner yesterday?

25 OFFICER MARTINEZ: Officer Gutierrez.

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1 DETECTIVE RHEAULT: Okay. And were you driver or
2 passenger?

3 OFFICER MARTINEZ: Driver.

4 DETECTIVE RHEAULT: Okay. And how long have you
5 worked together with Officer Gutierrez?

6 OFFICER MARTINEZ: Known him for almost 15 years.

7 I've worked with him for four in a specialized unit.

8 DETECTIVE RHEAULT: Okay. Can you talk about any
9 tactics discussion you've had with him at any point over
10 the -- over the course of years? Anything specifically
11 related to this incident while you were en route or in
12 the past? Anything related to edge weapons and how you
13 approach these calls, the tactic conversations you've
14 had?

15 OFFICER MARTINEZ: Yeah. We've -- we've spoken
16 about edge weapon calls in roll calls. You know, if
17 it's in the kit room line, if it's walking to our shop
18 at the beginning of shift, sometimes en route to calls,
19 if we can. But I've worked with him for so long that
20 we've always talked about it here and there and we
21 almost know each other, what we're -- we almost know
22 what each other is thinking at times --

23 DETECTIVE RHEAULT: Uh-huh. Well --

24 OFFICER MARTINEZ: -- because we're so comfortable
25 with each other.

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1 DETECTIVE RHEAULT: What are some of the
2 considerations when approaching these calls?

3 OFFICER MARTINEZ: What -- what type of guidelines
4 or principals do you use, if any, when approaching these
5 type of calls?

6 OFFICER MARTINEZ: Just knowing who is going to be
7 contact, who is going to be less lethal, managing the
8 scene. If there's no one there, him or I need to step
9 up and take it over and designate contact officers, less
10 lethal officers. So all that's planned with edge
11 weapons calls.

12 DETECTIVE RHEAULT: I see.

13 OFFICER MARTINEZ: Yeah. And stuff like that.
14 Communication with the airship, with Fire, if any, Fire
15 Department.

16 DETECTIVE RHEAULT: I see. Okay. Now, in narrative
17 form in your own words, of course, can you tell me
18 everything you personally did, observed, heard, or
19 caused to be done in relation to this call from the
20 minute you became aware that there was an incident.

21 Tell us everything you learned about it and what you
22 did as you -- as you went en route to that call. As you
23 arrived, who you contacted, what you're learning, how
24 this whole incident developed.

25 OFFICER MARTINEZ: Yeah. Basically, we responded

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1 from the station. It was a backup. I remember the call
2 coming out as an ADW suspect, I believe. And the
3 suspect being combative and aggressive towards family.
4 And possibly knives involved. It got esc- -- it got
5 elevated when the unit that was already there requested
6 a backup.

7 I remember them saying that there was a suspect in a
8 room armed with knives threatening family members.

9 That's when we responded. As soon as we got there, we
10 met with the incident commander who was already setting
11 up the assignments and tasks for everyone and
12 designating the contact team leader, less lethal,
13 setting up CP.

14 The incident commander was Sergeant Alferez. He was
15 the one giving tasks out. And I could see walking up --

16 I'm going to go back a little bit. Walking up, I could
17 see what looked -- might have looked like a crowd,
18 possibly family members. I see officers on the corner
19 just east of the -- the location. There was officers
20 already there. We continued to the front of the house.

21 That's where we met with the team leader and the
22 incident commander.

23 DETECTIVE RHEULT: Uh-huh. Continue.

24 OFFICER MARTINEZ: The incident commander designates
25 a team leader. The team leader designates contact

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1 officers and less lethal. He designated my partner as
2 less lethal beanbag shotgun. Designates me in the
3 beginning as contact officer. So we set up, my partner
4 sets up east of the driveway on top of a cinder block
5 wall. The cinder block wall had a mailbox on it.

6 So my partner took that point with the beanbag
7 shotgun. And I -- I stood next to him as his partner
8 contact. Things changed up a little bit. I could hear
9 -- I was just trying to figure out the house and you
10 could hear screaming and someone yelling and things
11 getting thrown around. You could -- you know, I could
12 hear the aggression, whoever was in there.

13 But at first, what I wanted to see was the house,
14 the layout. I've been involved where, you know,
15 incidents where suspects jump houses and, you know,
16 while things are getting set up and, you know, at first,
17 I planned that out, well, maybe this guy runs out and I
18 could see him jumping houses, I could put that out.

19 The incident commander sets up a -- an officer to
20 try to negotiate with the suspect inside the house. In
21 the beginning, I believe it was a female officer who
22 began trying to talk to him. I could hear this guy just
23 rambling and not making sense. You could hear objects
24 getting thrown around.

25 The officer in the PA trying to contact was changed

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1 again to some other officer. I don't recall his name.

2 He tries to talk to the suspect. The suspect just

3 continues to ramble on not making sense. At some point,

4 Officer Noles, who was a team leader for the operation,

5 designates me to try to come to contact the suspect or

6 negotiate having to come out.

7 I've worked with Officer Noles for 15 years down

8 here at Foothill. We've had success with things like

9 this in the past. Suspects often times, when they, you

10 know, you talk them out of things, and it's worked out

11 before. So my roles switched. A different contact

12 officer took over. Officer Griffin became designated

13 contact officer and stood next to my partner, Gutierrez.

14 Griffin took a spot. It looked like it was west of

15 Officer Gutierrez. And I went back in the car and I

16 began trying to talk to the suspect for I'd say about 45

17 minutes. During that whole 45 minutes, I tried getting

18 him to come out, get him to surrender. I tried using

19 family, and his family wanted him to come out. And he

20 just rambled on and on and didn't make sense.

21 At one point, there was smoke coming out of the

22 room. We believe he was starting a fire or starting

23 something in there. Smoke was coming out of the window

24 along the one-side facing south. And he would jump from

25 that window facing south to another window in the same

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1 room facing east.

2 And you could hear him throwing things. It sounded
3 like it was, I don't know, glass, cups getting thrown
4 around. That's what it sounded like. I don't know what
5 it was but you could hear the impact. It was loud
6 enough to hear onto the street. I tried communicating

7 him for, like I said, maybe 45 minutes, advising him we
8 weren't going to hurt him. We just wanted to help him.

9 And through that 45 minutes, I could see his aggression.

10 And he talked about killing and he talked about

11 people being rats. He actually said "ratas" in Spanish

12 which is rats in English. Snitches. He talked about

13 family members and what they've done to him. And he

14 just wasn't making sense. I wasn't getting through to

15 him. I'd ask him questions. He wasn't acknowledging.

16 And you could hear in his tone he was aggressive and

17 possibly under the influence of some -- some type of
18 narcotic or alcohol.

19 It's hard to tell. I don't know but -- so after a

20 while, we decided to change it up again. I exit the

21 vehicle. My partner, Officer Noles, takes over the PA

22 and attempts to talk to him. I go back to the -- where

23 my partner, Officer Gutierrez is, and stand by where

24 he's at and try to cover him and try to get a better

25 angle of the suspect.

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1 And maybe like two minutes later, officers put

2 out -- we had officers all around the house. We had

3 officers on the side along the west. And that's when we
4 heard that the suspect's at the door or something to
5 that effect, with two knives in his hand and he's coming
6 out.

7 You can see officers trying to scramble and -- and
8 get ready for, you know, what could happen. I ran back

9 to the car and tried to pick up the mic and tried to
10 communicate with him, maybe try to get him to just walk

11 to the front. And since the beginning, I wanted him to
12 see me and try to get face to face if instead of hearing
13 a PA and not putting a face to the officer.

14 So -- so after they put that he's coming out, you
15 know, I hear a loud bang, what sounded like a gate open
16 or a door open, so I knew he was visible to the

17 officers. I pictured him coming out of a door and
18 standing at the door with the knives, and that's what I
19 took from that. So I went back to the car. I tried to
20 communicate and tried to say his name again and have him

21 calm down, and that's when I heard the first beanbag
22 round or less lethal round go off to my left to the
23 west.

24 I heard several more rounds to my right where my
25 partners were at. And next thing I know, in the -- at

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1 that point, I was behind the passenger door of the shop
2 on the driveway in front of the house. The next thing I
3 know is I see the suspect cross in front of my spotlight
4 with a knife in his hand. And that's when I unholstered
5 and shot two rounds.

6 The suspect fell forward and kept advancing. And
7 that's when I fired another round.

8 DETECTIVE RHEAULT: Okay. All right. Let me go
9 back and ask more details questions.

10 OFFICER MARTINEZ: Okay.

11 DETECTIVE RHEAULT: Yeah. When you first arrived,
12 you mentioned some names, Griffin and Noles and Alferez.
13 Who else was present when you -- when you first arrived?

14 OFFICER MARTINEZ: When we first arrived, I observed
15 a couple officers but the incident commander was
16 directing officers to hold the perimeter side of the

17 house. Another thing I didn't bring up is while
18 apparently there was still people inside the house, and
19 we needed to extract them. So this is happening when
20 I'm talking to the suspect in the car.

21 DETECTIVE RHEAULT: Uh-huh.

22 OFFICER MARTINEZ: So they were being pulled out as
23 I'm trying to talk to him. So he was setting up that
24 team.

25 DETECTIVE RHEAULT: And when you say he was, is --

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1 you're referring to --

2 OFFICER MARTINEZ: Sergeant Alferez.

3 DETECTIVE RHEAULT: Sergeant Alferez?

4 OFFICER MARTINEZ: Yes.

5 DETECTIVE RHEAULT: And that was -- is that the
6 incident commander?

7 OFFICER MARTINEZ: Yes, sir.

8 DETECTIVE RHEAULT: Okay. All right. So when you
9 were -- just so I'm clarifying, when you were talking to
10 him in the car. So you were in the car on the PA system
11 talking to the suspect?

12 OFFICER MARTINEZ: Yes.

13 DETECTIVE RHEAULT: Okay. I just wanted to make
14 sure we're --

15 OFFICER MARTINEZ: Yeah.

16 DETECTIVE RHEAULT: -- clear on that. The incident
17 commander was setting up that time?

18 OFFICER MARTINEZ: Yeah. When we got there, he was
19 setting teams up so the officers that I did see in the
20 beginning, I -- they were moved somewhere else. I
21 didn't see them (UNINTELLIGIBLE)

22 DETECTIVE RHEAULT: Do you know who made up the team
23 that Sergeant Alferez was --

24 OFFICER MARTINEZ: I'm not sure. No. I don't know,
25 sir.

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1 DETECTIVE RHEAULT: Okay. Do you -- do you know how
2 -- you said they did an evacuation?

3 OFFICER MARTINEZ: At one point, I did see officers
4 along the east side of the residence.

5 DETECTIVE RHEAULT: Uh-huh.

6 OFFICER MARTINEZ: And I did see citizens coming out
7 of a door on the east side. I don't remember -- at one
8 point, it was when I was in the car trying to get him to
9 the window. It's one of the times I kept repeating,
10 "Come to the window, come to the window," because I
11 wanted him away from whatever that room that was over
12 there.

13 DETECTIVE RHEAULT: Okay. Was he at -- always at
14 one window or was there -- how did that --

15 OFFICER MARTINEZ: He was going back and forth
16 between the window that faces south on the one side and
17 the window that faces east. Still -- it looks like a
18 makeshift garage. So there's two windows in that, and
19 one faces south and one faces east. So he -- it looked
20 like the same room and he was just going back and forth.

21 DETECTIVE RHEAULT: Are they both on the one side?

22 OFFICER MARTINEZ: Yes.

23 DETECTIVE RHEAULT: Okay. And when I looked at the
24 body worn video and I was looking at the one side, the
25 side facing the street --

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1 OFFICER MARTINEZ: Uh-huh.

2 DETECTIVE RHEAULT: -- it almost appeared that there
3 was two windows facing south. Am I wrong on that?

4 OFFICER MARTINEZ: You know, sir, I'm not sure.
5 There could have been one closer to the west property
6 line. We had one lit up on the south.

7 DETECTIVE RHEAULT: Uh-huh.

8 OFFICER MARTINEZ: And other window lit up that
9 faces east. Those are the two windows where he was
10 mostly going back and forth from. If there was a
11 window, I don't recall. It was dark. We were just
12 focusing -- it looked like he was in one room.

13 DETECTIVE RHEAULT: I see.

14 OFFICER MARTINEZ: And at the time, he would leave
15 or he was doing something in there and I would try to
16 get him back to the window.

17 DETECTIVE RHEAULT: Okay. When he was -- and with
18 the understanding he would leave that room at times, you
19 indicated, but when you observed him in the room east
20 window and the south facing window, did you ever observe
21 him with knives yourself?

22 OFFICER MARTINEZ: No.

23 DETECTIVE RHEAULT: Okay. Approximately, with the
24 understanding that you mentioned a female officer was on
25 the PA first, and then another male officer, and then

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1 yourself.

2 OFFICER MARTINEZ: Uh-huh.

3 DETECTIVE RHEAULT: You were relieved briefly before
4 getting back on the PA. When you were doing the
5 majority of your acting as communications on the PA, how
6 long -- how long much a period was that, an estimate?

7 OFFICER MARTINEZ: I would estimate maybe 45 minutes
8 to an hour, approximately. Yeah. I mean, I would ask
9 questions. I would bring stuff. And there was no
10 acknowledgement to the questions during that time.

11 DETECTIVE RHEAULT: To -- you'd bring questions up
12 to?

13 OFFICER MARTINEZ: Yeah. To try to have him, you
14 know, to come to the window or come outside or just, you
15 know, come out of the house with your hands up. And
16 usually, they'll say something. The suspect usually
17 will say, "Well, how I do know you're not going to
18 shoot?" You know, something to my command.

19 DETECTIVE RHEAULT: Uh-huh.

20 OFFICER MARTINEZ: I wasn't getting any of that. I
21 wasn't getting anywhere. I just felt like if I kept
22 repeating it, I could keep him at the window and have
23 him from going to, I don't know, the kitchen or -- or
24 starting a fire, which was already in our minds. And or
25 just I don't know. Running out the back or something

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1 and --

2 DETECTIVE RHEAULT: Did -- did -- did your
3 interactions with him keep him at the window or --

4 OFFICER MARTINEZ: I felt like it did a little bit.

5 I felt that maybe at times, he was rambling and, you
6 know, he sounded agitated, but I kept him where we can
7 see him here and there. I didn't like when I would lose
8 him. I don't know what was going on in there, but, you
9 know?

10 DETECTIVE RHEAULT: When you say lose him, what do
11 you mean?

12 OFFICER MARTINEZ: Lose him when he wasn't rambling
13 or not popping up in the windows. He would pop up in
14 one window, then go away. And he'd pop back up in the
15 window, yell, and then pop up in the next window in the
16 same room.

17 DETECTIVE RHEAULT: Okay. So when you say losing,
18 you're losing visual on him?

19 OFFICER MARTINEZ: Yeah. Losing visual. Yes.

20 DETECTIVE RHEAULT: Okay. I understand. Do you
21 know what language he was speaking when he would ramble?

22 OFFICER MARTINEZ: Mostly English. He would throw
23 in Spanish words here and there but mostly English.

24 DETECTIVE RHEAULT: Do you speak Spanish?

25 OFFICER MARTINEZ: I do. Yes.

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1 DETECTIVE RHEAULT: Okay. Could you understand what
2 types (UNINTELLIGIBLE) I --

3 OFFICER MARTINEZ: I understood the words he was
4 saying.

5 DETECTIVE RHEAULT: What was he -- what was he
6 saying?

7 OFFICER MARTINEZ: Well, he talked about snitches.
8 One of the words he used was ratas, which is rat, which
9 refers to snitches. He threw out someone's last name.

10 In Spanish, that's about it. He talked about white
11 power. He talked about he doesn't trust white fools or
12 something like that. That's all I remember him saying.

13 DETECTIVE RHEAULT: Did any of it make sense to you
14 what --

15 OFFICER MARTINEZ: Not really. No.

16 DETECTIVE RHEAULT: No?

17 OFFICER MARTINEZ: It didn't make sense.

18 DETECTIVE RHEAULT: Okay.

19 DETECTIVE FULLER: Did he ever say "matar" at all?

20 OFFICER MARTINEZ: He -- he would say -- he'd say
21 kill. He brought up killing. I don't remember. He did
22 say it in Spanish. I do remember that. He did say
23 matar los, which means kill him. And he did say ratas
24 too, so --

25 DETECTIVE RHEAULT: The things you're asking the

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1 suspect to, as you indicated, to keep him engaged at the
2 window, is anyone suggesting the things for you to tell
3 him or is this stuff you're developing on your own?

4 OFFICER MARTINEZ: Yeah. I'm pretty much developing
5 on my own. I knew he spoke English. I didn't want to
6 transfer over to Spanish. That hasn't worked. It's --
7 believe it or not, it's failed more than worked. I
8 think sometimes suspects and victims, I don't know what
9 it is. They shut down when they think I know Spanish,
10 or they don't want to comply. DMG (SKx)

11 Sometimes when a suspect hears commands in English,
12 they'll do it. If they hear them in Spanish, then
13 they're like, oh, really? You -- you know, I've gotten
14 this before as an example. You're a sellout, or -- and
15 then, you know, the same incident, you know, an officer
16 will speak in English and they -- they comply.

17 So I did -- I -- it was in my -- it was in my -- in
18 my plans. I didn't want to use it just yet. He was
19 speaking mostly English and I didn't want -- I couldn't
20 really hear. I was communicating with the officer who
21 was relaying information to me. I didn't want to start
22 speaking Spanish and officers that don't speak Spanish
23 not understand.

24 Then I would have my eyes -- I wanted to just
25 control the situation. I didn't want -- officers did

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1 not understand if I'm speaking Spanish, and then I have
2 to relay that back, and I don't have eyes on the window.

3 DETECTIVE RHEAULT: I understand. And who was the
4 officer that was relaying you information?

5 OFFICER MARTINEZ: The team leader, Officer Noles.

6 DETECTIVE RHEAULT: Noles?

7 OFFICER MARTINEZ: Yeah.

8 DETECTIVE RHEAULT: Okay. And what information is
9 he telling you?

10 OFFICER MARTINEZ: He's just telling me what the
11 suspect's saying. At times, I ask him what is he
12 hearing, what is he saying? Because I -- he's yelling
13 out the east window where I -- I can't hear. At one
14 point, I try to ask him to find out who the brother-in-
15 law is or the step -- stepfather is. He mentioned a
16 stepfather here and there.

17 What the next step was and what the team -- incident
18 commander had as far as resources and who was going to
19 arrive and MEU as far as SWAT, K-9.

20 DETECTIVE RHEAULT: Can you --

21 OFFICER MARTINEZ: So he was really (UNINTELLIGIBLE)

22 DETECTIVE RHEAULT: Excellent. And thank you for
23 bringing those topics up. Can you talk about each one
24 of those and what your -- what you learned specifically
25 about each one of those things?

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1 OFFICER MARTINEZ: Yeah. So I brought it up well
2 into when I was on the PA. I felt that I wasn't getting
3 through to him as -- as well as I thought. And he did
4 say MEU was en route so I felt like I had at least to
5 keep him in the window and repeat what I was saying and
6 at least hear us and see us until MEU got there.

7 They did tell me SWAT was en route so I did bring
8 that up. I mentioned SWAT was on their way and --

9 DETECTIVE RHEAULT: So they told you SWAT was en
10 route?

11 OFFICER MARTINEZ: Yeah.

12 DETECTIVE RHEAULT: Who -- who told you?

13 OFFICER MARTINEZ: I don't remember who behind the
14 car -- the shop brought it up but, you know, if he
15 didn't come out, that SWAT was on their way. They were
16 going to, you know, use force as well and that gas could
17 be used. And so we go back and try to tell him before
18 all that happens to give up, come out with his hands up.

19 DETECTIVE RHEAULT: Okay. So it was your
20 understanding SWAT was en route --

21 OFFICER MARTINEZ: Yes.

22 DETECTIVE RHEAULT: -- to this? Okay. Do you know
23 who was making those notifications or (UNINTELLIGIBLE)

24 OFFICER MARTINEZ: I didn't know. I would assume
25 the guys that were in the back or something.

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1 DETECTIVE RHEAULT: Uh-huh.

2 OFFICER MARTINEZ: Not -- not the contact team.

3 Guys in the back, team leader or incident commander.

4 DETECTIVE RHEAULT: And when you say the guys in the
5 back, are you referring to the back behind you or in the
6 back of the house?

7 OFFICER MARTINEZ: Back behind the shop. Incident
8 commander and the CP were -- I'm sure they were

9 communicating. I don't know for a fact but --

10 DETECTIVE RHEAULT: Okay.

11 OFFICER MARTINEZ: -- I trust they were
12 communicating back and forth.

13 DETECTIVE RHEAULT: Behind the shop. Are you
14 referring to the vehicle you're in?

15 OFFICER MARTINEZ: Yes.

16 DETECTIVE RHEAULT: Okay. So the incident commander
17 and then you said the CP?

18 OFFICER MARTINEZ: Yes. I did hear there was a CP
19 set up. I believe George-60 was running that.

20 DETECTIVE RHEAULT: Do you know who George-60 is?

21 OFFICER MARTINEZ: Sergeant Merida, M-e-r-i-d-a.

22 DETECTIVE RHEAULT: Merida? Okay. And where was
23 the CP at?

24 OFFICER MARTINEZ: I don't -- I don't recall. Could
25 have been -- I'm not sure.

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1 DETECTIVE RHEAULT: Okay. Yeah. Only what you
2 know.

3 OFFICER MARTINEZ: Yeah.

4 DETECTIVE RHEAULT: Yeah. Okay. I asked when you
5 observed him in the windows, if you observed him with
6 knives, and I got your response. What -- what are you
7 observing? What is he doing in the window when you see
8 him? And the -- if it was a variety of things, please
9 let me know.

10 OFFICER MARTINEZ: Yeah. You know what? At one
11 point, I had to -- I had to get relieved. I had to take
12 a little break. I felt like I wasn't getting through to
13 him. He would ramble on and off about different things.
14 You know, white power. When he was saying that, I knew
15 that I was just not getting through. He was talking
16 about killing.

17 He would pop up in the window and then disappear. I
18 didn't -- I'd lose visual.

19 DETECTIVE RHEAULT: Was he doing anything with his
20 hands? Was he doing anything when he pops up in those
21 windows?

22 OFFICER MARTINEZ: You know, all we could see is his
23 head.

24 DETECTIVE RHEAULT: His head?

25 OFFICER MARTINEZ: His head. And then at one point,

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1 there was smoke coming out of the south side window.

2 DETECTIVE RHEAULT: Okay. And can you describe
3 that? Is it like a significant amount of smoke? Did
4 you see open flames or --

5 OFFICER MARTINEZ: No flames. Significant smoke. I
6 even -- there was another officer covering me along the
7 driver's side.

8 I even asked him, "Is that smoke?"

9 He's all, "Yes, it's smoke. It looks like he might
10 be setting a fire."

11 Just for my knowledge, that's how I verified that,
12 you know? So it was smoke coming out of that window.

13 DETECTIVE RHEAULT: Who was providing you cover on
14 the driver's side?

15 OFFICER MARTINEZ: It was Officer Frazier.

16 DETECTIVE RHEAULT: Frazier? Okay. And did that
17 smoke continue to increase or -- or --

18 OFFICER MARTINEZ: You know, it was there for
19 probably about 15 minutes and then I never saw it again.
20 And then --

21 DETECTIVE RHEAULT: Okay. Taking you back a little
22 bit, when -- when you first arrived, you talked about
23 Gutierrez being over at a mailbox --

24 OFFICER MARTINEZ: Uh-huh.

25 DETECTIVE RHEAULT: -- with the less lethal. And

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1 you believe you indicated you were contact at that point
2 until you were relieved by Griffin? Griffin took your
3 spot?

4 OFFICER MARTINEZ: Yes.

5 DETECTIVE RHEAULT: Did you say contact or --

6 OFFICER MARTINEZ: I was contact. Right when we got
7 there, the team leader was setting up tasks, and he
8 tasked me as contact.

9 DETECTIVE RHEAULT: Okay. Did you unholster at any
10 point?

11 OFFICER MARTINEZ: Not until -- not until we set up,
12 because I was -- I was -- the task was changed right
13 away.

14 DETECTIVE RHEAULT: Uh-huh.

15 OFFICER MARTINEZ: Officer Griffin took that
16 position to Officer Gutierrez's left side along the
17 west. I remained along the east of Officer Gutierrez.

18 I did unholster for a little bit, but I felt -- I felt
19 it was enough. And I wanted to see more a visual of
20 what was going on.

21 DETECTIVE RHEAULT: What was it of?

22 OFFICER MARTINEZ: I just -- I felt like we had that
23 covered. And I wanted to -- you know, I was looking
24 around at the neighbor's residence. I thought maybe,
25 you know, at one point, we should evacuate that

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1 residence, or I thought about if he runs out of a door,
2 is he doing to jump that?

3 So I was, you know, already planning in my head,
4 okay, I'm going to -- I'm going to be on this side. If
5 he runs this way, I'm going to put that out and try to
6 maintain, because we did have officers on that corner.

7 DETECTIVE RHEAULT: Uh-huh.

8 OFFICER MARTINEZ: And I wanted to put that out
9 before they got there. So those were the things that
10 ran through my mind in that time when I was at the
11 mailbox there next to Officer Gutierrez.

12 DETECTIVE RHEAULT: Okay. And -- and when you did
13 have your pistol unholstered for the brief amount of
14 time you talked about --

15 OFFICER MARTINEZ: Yeah.

16 DETECTIVE RHEAULT: -- why -- why did you unholster?

17 OFFICER MARTINEZ: It was at the time when I first
18 saw him come out, you know?

19 DETECTIVE RHEAULT: Actually come out of the
20 residence?

21 OFFICER MARTINEZ: Oh, I'm sorry. Pop out of the
22 window. First time I visual -- I saw him, we were set
23 up. Come out the window. I unholstered at that time.
24 Then he -- he went away and we already had a contact on
25 both sides of the vehicle, so I -- I holstered back up.

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1 DETECTIVE RHEAULT: What about his -- what about him
2 when he popped up that caused you to unholster?

3 OFFICER MARTINEZ: Just his -- just knowing there
4 was knives involved in the beginning. His demeanor and
5 his -- his agitate state, I felt it was a need to
6 unholster and protect everybody and due to the fact that
7 this were knives involved, you know, he could exit out
8 that window, you know, in a second.

9 DETECTIVE RHEAULT: And you mentioned the radio call
10 indicated knives were involved. Any other additional
11 information about knives?

12 OFFICER MARTINEZ: No. Not at that time.

13 DETECTIVE RHEAULT: Okay.

14 DETECTIVE FULLER: Did you -- did you know for sure
15 that you didn't have any guns in that house?

16 OFFICER MARTINEZ: Not at that time. They were
17 getting that information a couple minutes after that.

18 DETECTIVE RHEAULT: You said he popped out of the,
19 you said the south window?

20 OFFICER MARTINEZ: He popped out when I first saw
21 him out of the east window.

22 DETECTIVE RHEAULT: East window. I'm sorry.

23 OFFICER MARTINEZ: Yeah.

24 DETECTIVE RHEAULT: Is that figuratively or did he
25 actually pop out of the window?

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1 OFFICER MARTINEZ: No. He just -- it looks like he
2 stood up and I could see his -- his head, and there was
3 curtains in the way. And then he disappears or moves
4 out of the window and the curtains block the room again.

5 DETECTIVE FULLER: So you saw him looking out the
6 window?

7 OFFICER MARTINEZ: Looking out the window, yes.

8 DETECTIVE RHEAULT: Okay. When the citizens were
9 being evacuated and you were attempting to keep the
10 suspect at the window --

11 OFFICER MARTINEZ: Uh-huh.

12 DETECTIVE RHEAULT: -- to facilitate that, was there
13 any plan relayed to you by anyone that was forming that
14 team of what to do or what to continue doing or what
15 they were going to do or --

16 OFFICER MARTINEZ: No. I knew -- I knew I had to
17 keep -- keep talking to him. Sometimes it sounds like
18 overkill. You're saying the same thing over and over,
19 but you want to just try to engage the subject, the
20 suspect, and keep him engaged even if it annoys him, and

21 not have him think that we're gone or have a pause and
22 he -- you know, you almost want him not to think to do
23 something.

24 And so they did say, officers, "Blue, blue, blue.
25 Lie down, they're coming out," or, "Hey," I heard

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1 someone say, "on the -- on the right side, right side."

2 So, you know, I'm in the car with the PA and I could see
3 officers over here. That's when I tried to keep -- I
4 tried to keep in contact with him.

5 DETECTIVE RHEAULT: Okay. So you're in the car on
6 the PA trying to keep contact with the suspect?

7 OFFICER MARTINEZ: Yeah.

8 DETECTIVE RHEAULT: You're hearing, "Blue, blue,
9 blue," --

10 OFFICER MARTINEZ: Uh-huh.

11 DETECTIVE RHEAULT: -- as they're coming out. Who
12 is coming out of where and who is saying, "Blue, blue,
13 blue"?

14 OFFICER MARTINEZ: I don't -- I don't know who the
15 officers are. I don't know who said that but I did see
16 officers and approximately two or three citizens coming
17 out of a room or a doorway along the east side of the
18 residence and then towards the back.

19 DETECTIVE RHEAULT: Okay. The east side, when we're
20 looking at the residence, we're looking north.

21 DETECTIVE RHEAULT: Yeah.

22 OFFICER MARTINEZ: So to the left would be the west
23 and to the right would be the east?

24 DETECTIVE RHEAULT: Yes.

25 OFFICER MARTINEZ: They're coming out of the east

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1 side?

2 OFFICER MARTINEZ: I saw -- yes. Around the east
3 side.

4 DETECTIVE RHEAULT: So -- okay. So -- okay. So the
5 -- as you're looking at the house, the right side of the
6 house, they're coming out?

7 OFFICER MARTINEZ: Yes

8 DETECTIVE RHEAULT: Okay. From the -- from the back
9 or the front?

10 OFFICER MARTINEZ: No. It could be the side. I'm
11 not too sure, but --

12 DETECTIVE RHEAULT: Okay.

13 OFFICER MARTINEZ: -- definitely out of his view and
14 in the dark.

15 DETECTIVE RHEAULT: Okay. At any point, did you don
16 any additional equipment?

17 OFFICER MARTINEZ: At this point, I just have my
18 helmet on. We were in the beginning while we were
19 setting up the incident commander had us put our
20 helmets on.

21 DETECTIVE RHEAULT: Okay. Did you bring it with you
22 or how did -- how (UNINTELLIGIBLE)

23 OFFICER MARTINEZ: I had to go to the vehicle and
24 get it. I got my partner's and my helmet.

25 DETECTIVE RHEAULT: Your partner's and -- and yours?

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1 OFFICER MARTINEZ: And my helmets.

2 DETECTIVE RHEAULT: Okay. At any point, did you
3 deploy less lethal? And what I mean deploy, like have -
4 - have it out? I'm not saying fire.

5 OFFICER MARTINEZ: No, I didn't.

6 DETECTIVE RHEAULT: Okay. Did -- did you give your
7 partner his helmet?

8 OFFICER MARTINEZ: Yes.

9 DETECTIVE RHEAULT: Okay. And then did -- at any
10 point, did you take over the beanbag shotgun or --

11 OFFICER MARTINEZ: At the -- at that point, I did.
12 I took it over for I would say a minute --

13 DETECTIVE RHEAULT: Uh-huh.

14 OFFICER MARTINEZ: -- while he put his helmet on,
15 and then he took it back.

16 DETECTIVE RHEAULT: Okay. Did -- while you were on
17 the PA, did -- did you personally issue any less lethal
18 warnings of any sort?

19 OFFICER MARTINEZ: I don't believe I did. No, sir.
20 I don't remember. I did -- I did tell him we weren't

21 going to hurt him, to exit the house with his hands up
22 and follow directions of officers. I believe someone --
23 someone did mention that a couple times and --

24 DETECTIVE RHEAULT: Referring to a less lethal
25 warning?

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1 OFFICER MARTINEZ: Less lethal warning. Yeah.

2 DETECTIVE RHEAULT: Oh, okay. It wasn't you that

3 you recall? Have you ever been to that residence

4 before?

5 OFFICER MARTINEZ: Never, no.

6 DETECTIVE RHEAULT: Have you ever had any contact

7 with that suspect --

8 OFFICER MARTINEZ: No, sir.

9 DETECTIVE RHEAULT: -- that you know of? No? I

10 believe you mentioned that he was, I believe you used

11 the word aggressive when you, you know --

12 OFFICER MARTINEZ: Yeah. He seemed, you know,

13 hostile and angry, agitated. His voice would elevate.

14 You know, I heard the word "kill" at one point, and his

15 voice was elevated. He threw out someone's name and he

16 got -- he got angry over that. Yeah. So --

17 DETECTIVE RHEAULT: Did -- did that -- as you're

18 talking to him, did that remain constant or did it

19 escalate or decrease like the level of, for lack of a

20 better term, intensity, if --

21 OFFICER MARTINEZ: Constant aggression and then it

22 would even -- you know, he would get louder at times,

23 but not making sense to commands or --

24 DETECTIVE RHEAULT: You mentioned when you saw him

25 at the window is you didn't see him with any knives at

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1 any point. Was there any indication that he was going
2 to potentially exit the residence at any point? I know
3 you were giving him instructions to do so, but you've
4 also said he has -- he's not complying with your
5 direction.

6 Prior to him coming out, was there any indications
7 he -- that you observed from him or that he's saying to
8 you that he's coming out?

9 OFFICER MARTINEZ: No. I didn't think he was going
10 to come out. I didn't. I honestly thought I was going
11 to sit there and try to talk to him until other
12 resources arrived.

13 DETECTIVE RHEAULT: I think you mentioned at one
14 point that you told him you'd bring his father to the --
15 is that something that actually you were going to do or
16 was that just a strategy to talk to him?

17 OFFICER MARTINEZ: Yeah. It was a ruse I tried to
18 use to try to engage him in some type of conversation
19 and open about anything that I could use to keep him in
20 contact at the window. So, yeah, I wasn't going to do
21 that.

22 DETECTIVE RHEAULT: Okay. Do you know if the Fire
23 Department was ever notified or -- during this incident?

24 OFFICER MARTINEZ: No. Not that I know of, sir.

25 DETECTIVE RHEAULT: Uh-huh. You mentioned at one

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1 point, you needed a break and someone took over

2 communications for you. Who was that?

3 OFFICER MARTINEZ: Officer Noles.

4 DETECTIVE RHEAULT: Noles. Okay. And was there any
5 other reason you ceased being the communicator besides
6 you need a break or --

7 OFFICER MARTINEZ: No. Just to get a break and
8 maybe I wasn't doing it right. Maybe a new voice would
9 work. And again, maybe a new voice, different ideas,
10 and keep him at that window until, you know, a plan is
11 developed for the next strategy.

12 DETECTIVE RHEAULT: Okay. I apologize if this is a
13 repeat. You indicated you were studying the house
14 thinking potentially how you would broadcast if he went
15 to a side yard, a neighboring yard.

16 OFFICER MARTINEZ: Yes.

17 DETECTIVE RHEAULT: And now, did -- did you -- did
18 you ever go in the yard at any point, the backyard or
19 side yards or --

20 OFFICER MARTINEZ: No, I didn't.

21 DETECTIVE RHEAULT: Okay. Did you study any photos
22 of it, you know, of it from any source?

23 OFFICER MARTINEZ: No. I've never seen the -- I
24 don't remember being on the street for long. I haven't
25 been on the street for a long time so, yeah, I was going

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1 to try to see how, from my angle, how deep the yard
2 went, what kind of windows were there.

3 You know, you start thinking you break a window and
4 then we have a different problem there if he were to
5 jump in that house or open a window, open a door.

6 DETECTIVE RHEAULT: Uh-huh. Do you know who --
7 again, I'm sorry -- set up the CP? Was it Merida? Is
8 that what you said?

9 OFFICER MARTINEZ: I don't know who set it up but I
10 know I could hear Sergeant Merida at the CP.

11 DETECTIVE RHEAULT: Okay. You indicated he was
12 throwing stuff in the house. You thought maybe it was a
13 glass?

14 OFFICER MARTINEZ: It sounded like glass breaking.
15 It sounded like something heavy. To me, it sounded like
16 something heavy hitting the wall.

17 DETECTIVE RHEAULT: Was it a onetime thing or
18 multiple times?

19 OFFICER MARTINEZ: Probably heard it multiple times.
20 Maybe four or five times.

21 DETECTIVE RHEAULT: Okay. Anything ever thrown out
22 of the house?

23 OFFICER MARTINEZ: At one point, someone said
24 something came out of the house.

25 DETECTIVE RHEAULT: Do you know what it was?

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1 OFFICER MARTINEZ: I don't know what it was. No.

2 And that would have came out the south window.

3 DETECTIVE RHEAULT: Okay. When the communications
4 is exchanging from the female officer to the officer
5 prior to you, do you know who the female officer was?

6 OFFICER MARTINEZ: I don't know for certain who she
7 was, no. I believe it was Officer Noles' partner but
8 I'm not -- I'm not a hundred percent.

9 DETECTIVE RHEAULT: And the officer before you was?

10 OFFICER MARTINEZ: I'm not sure who it was, sir.
11 It's a lot of new faces here.

12 DETECTIVE RHEAULT: Sure. Did the sergeant, the
13 incident commander, ever get on the PA?

14 OFFICER MARTINEZ: I did hear him get on for, you
15 know, a statement or two for -- it was brief. Maybe two
16 minutes or so.

17 DETECTIVE RHEAULT: Uh-huh. What made you believe
18 he was possibly under the influence of drugs and
19 alcohol?

20 OFFICER MARTINEZ: Just his state. You know, his --
21 his -- his agitated state. It wasn't -- it wasn't
22 reasonable. It wasn't normal. His rambling and his
23 comments that weren't making sense.

24 DETECTIVE RHEAULT: Okay. One of the things you
25 mentioned that you heard banging. And you thought you

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1 might see him standing at the -- at the door -- a door.

2 Is -- do I have that correct?

3 OFFICER MARTINEZ: That's what I pictured. I heard
4 a bang. Officers put out that he's at the side of the
5 house. So I pictured them seeing more than I've ever
6 seen. So I pictured him standing in front of the door
7 with two knives.

8 DETECTIVE RHEAULT: Okay.

9 DETECTIVE FULLER: Now, I think you said earlier,
10 you said gate.

11 OFFICER MARTINEZ: It --

12 DETECTIVE FULLER: Now, do you mean the door or the
13 gate?

14 OFFICER MARTINEZ: It sounded like it was a loud
15 crash. So to me, it sounded like an iron security door
16 was swinging open. And I -- and I don't know for

17 certain, but they did put out that he was coming out at
18 the door. So I -- I thought he was just standing there
19 doing the same thing he was doing at the windows just
20 showing himself and going away.

21 I didn't think he was going to exit or run out. I
22 thought he was just at the door and doing the same thing
23 he was doing for the last hour, so people were getting
24 ready for, you know, in worst scenario, he runs out.
25 Those -- those officers were designated. I felt like I

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1 had to go back to that PA because it was -- no -- no one
2 was there anymore.

3 Officer Noles was covering down. And I think I
4 picked it up. I picked it up and I did call him out and
5 try to tell him to just come to the front peacefully.
6 Some -- something like that. And I think 10 seconds
7 later he runs out the front.

8 DETECTIVE RHEAULT: Now, correct me if I -- if I'm
9 wrong but in relation to that side thing, I think you
10 mentioned four things, like officers reported you is he
11 had -- armed with knives?

12 OFFICER MARTINEZ: Uh-huh.

13 DETECTIVE RHEAULT: You heard a banging on the gate?

14 OFFICER MARTINEZ: The bang first.

15 DETECTIVE RHEAULT: Okay.

16 OFFICER MARTINEZ: Yeah.

17 DETECTIVE RHEAULT: So the very first thing you
18 heard is the banging?

19 OFFICER MARTINEZ: Yeah.

20 DETECTIVE RHEAULT: Was that before they came over
21 the radio?

22 OFFICER MARTINEZ: I believe so, yes.

23 DETECTIVE RHEAULT: Okay. And did you indicate you
24 heard less lethal being deployed?

25 OFFICER MARTINEZ: Not at that point.

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1 DETECTIVE RHEAULT: Okay.

2 OFFICER MARTINEZ: I -- I remember broadcasting and
3 telling Jonathan, you know, come out with your hands up
4 or something to that effect. I did have time to put all
5 that out. I had time to reach for the mic, put all that
6 out. And next thing I heard was less lethal going off
7 and him running towards the front.

8 DETECTIVE RHEAULT: And charging towards the front?

9 OFFICER MARTINEZ: Towards the front.

10 DETECTIVE RHEAULT: Okay.

11 DETECTIVE FULLER: You mean the front of where you
12 were?

13 OFFICER MARTINEZ: Yes. So it -- I don't -- I'm
14 thinking he ran along the fence line, exited. I don't
15 know for a fact but because I didn't see him until he
16 was in front of my spotlight.

17 DETECTIVE RHEAULT: Okay.

18 OFFICER MARTINEZ: Yeah.

19 DETECTIVE RHEAULT: So, okay. And your partner had
20 a beanbag shotgun. Do you know if he was firing less
21 lethal?

22 OFFICER MARTINEZ: I did hear shots being fired on -
23 - on my right side.

24 DETECTIVE RHEAULT: Okay. Do you know who was
25 firing them definitively?

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1 OFFICER MARTINEZ: I don't know who was firing them
2 but --

3 DETECTIVE RHEAULT: Okay. And the shots being
4 fired, were they less lethal shots?

5 OFFICER MARTINEZ: I can't -- I'm assuming. I don't
6 know for a fact but --

7 DETECTIVE RHEAULT: What else could they have been?

8 OFFICER MARTINEZ: It could have been the contact
9 officer.

10 DETECTIVE RHEAULT: Oh, actual gunfire?

11 OFFICER MARTINEZ: It could have been -- it could
12 have been the less lethal. That's his job right away if
13 he sees coming, so I've worked with the guy for 15
14 years. I've known him. I know he's going to do what he
15 has to do.

16 DETECTIVE RHEAULT: Okay. Okay. So you didn't see
17 who was firing?

18 OFFICER MARTINEZ: No, I didn't.

19 DETECTIVE RHEAULT: But you heard the sound of
20 firing?

21 OFFICER MARTINEZ: I heard.

22 DETECTIVE RHEAULT: You -- and are you saying you
23 assumed it was less lethal but don't know for sure?

24 OFFICER MARTINEZ: I assumed, yes. I don't know for
25 sure.

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1 OFFICER MARTINEZ: Uh-huh.

2 DETECTIVE RHEAULT: -- not -- and you indicated you
3 don't know if they're --

4 OFFICER MARTINEZ: Uh-huh.

5 DETECTIVE RHEAULT: -- less lethal or lethal. At
6 any point, could you tell differentiation? Like are any
7 -- are the shots to your right different sounds? Do
8 they -- are they coming from different things or --

9 OFFICER MARTINEZ: I can't tell. I don't -- I'm not
10 sure.

11 DETECTIVE RHEAULT: How many of those sounds did you
12 hear to your right?

13 OFFICER MARTINEZ: I'd say maybe two or three,
14 maybe.

15 DETECTIVE RHEAULT: Two or three?

16 OFFICER MARTINEZ: Yeah. It got quiet really quick.

17 DETECTIVE RHEAULT: When you -- when he appeared in
18 front of your spotlight --

19 OFFICER MARTINEZ: Uh-huh.

20 DETECTIVE RHEAULT: -- and you unholstered, had you
21 heard those two or three sounds already or --

22 OFFICER MARTINEZ: Yes. I had already heard them.

23 DETECTIVE RHEAULT: Okay. Now, you indicated you
24 fired three times.

25 OFFICER MARTINEZ: Yes.

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1 DETECTIVE RHEAULT: When you fired, and you said
2 your first and second shot and then a third. When you
3 fired your rounds are -- you're behind the door. How
4 are you firing them? You know, I know between the --
5 the vehicle and the door, there's an opening --

6 OFFICER MARTINEZ: Uh-huh.

7 DETECTIVE RHEAULT: --in the door jamb there. Was
8 your window up or down?

9 OFFICER MARTINEZ: The window was down.

10 DETECTIVE RHEAULT: Okay. So we have the opening
11 between the door jamb, the window, and potentially --
12 are you firing through the window to the left between
13 the door jamb?

14 OFFICER MARTINEZ: Well, I don't -- I don't recall.
15 It felt, you know, like training in a perfect world. I
16 stepped to the right away from the door, but I don't
17 think it happened that way. I believe as soon as I saw
18 him, I was on target and I shot as soon as I got a
19 chance. And he was in a full sprint. And so I believe
20 it might have been through the window or even just to
21 the right of the door.

22 For my second shot, I don't recall.

23 DETECTIVE RHEAULT: Okay. And -- okay. Now,
24 yesterday during our interview, we covered your use of
25 deadly force. And prior to today's interview, did you

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1 have an opportunity to review the audio of your
2 interview from yesterday?

3 OFFICER MARTINEZ: Yes, I did.

4 DETECTIVE RHEAULT: Okay. Upon reviewing it is
5 there anything you want to clarify, expand on, or -- or
6 after having slept, have a better recollection of that
7 you want to bring to our attention?

8 OFFICER MARTINEZ: Yeah. Just, you know, the whole
9 -- the whole point of us being there was to help this
10 guy out. You know, I think you could tell by my
11 reaction, I never meant to even unholster. So I -- I'm
12 glad I'm trained and I know what I'm doing. As soon as
13 I saw that knife in a spotlight as bright as day and,
14 you know, an object in his hand, you know, my first
15 instinct was to protect myself and my partners from
16 injury and death.

17 I felt like my life was in danger. I felt like
18 their lives were in danger and I felt like I needed to
19 stop that threat. I felt scared. I still feel real
20 shaken up. You know, even when the -- with my third

21 round, you know, the suspect was running so fast that he
22 -- he lunged forward. I still felt like he was still
23 going to come at me.

24 I felt like the threat wasn't stopped. And that's
25 when I fired my third round.

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1 DETECTIVE FULLER: Can you explain that in a little
2 more detail? Break it down as to you fire your first
3 two rounds, was there any effect? And then he went
4 down, and then what did you -- what did you see and what
5 did you believe he was doing?

6 OFFICER MARTINEZ: Yeah. I -- I -- you know, I
7 think I put it all together in that half a second with
8 this guy's rambling and his craziness and, you know, or
9 under the influence of something, you know? I've dealt
10 with suspects that don't feel anything. They've been
11 fired upon with rounds and beanbag rounds and they don't
12 stop.

13 And in this situation, I felt that that was
14 happening to me. This guy just ran full speed and one
15 round didn't stop him. My second round didn't stop him.
16 And --

17 DETECTIVE FULLER: And other people are shooting?

18 OFFICER MARTINEZ: I believe --

19 DETECTIVE FULLER: Can you hear shots?

20 OFFICER MARTINEZ: From everything I heard, I
21 believe people were helping me out. But at this point,
22 he -- and what you don't want to do in this job is have
23 anyone take over your car or take over the door. Next
24 thing I know, this guy is past my door at my feet. I
25 felt like he was, you know, just get back up and, you

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1 know? You know, I remember officers saying there was
2 two knives involved.

3 I couldn't see his hands. I didn't know if he had
4 another knife. I felt like he was going to lunge
5 forward and slash me or stab me. And, you know, I -- I
6 held my ground until he stopped.

7 DETECTIVE FULLER: Did you hear the knife hit the
8 concrete or did you see it skidding on the concrete?

9 OFFICER MARTINEZ: No. I didn't hear anything. I
10 didn't -- most of that area was in the driveway, the
11 concrete. I didn't hear anything drop. I didn't hear
12 what resembled metal hitting the ground. You know, at
13 the same time, I was backing up. You know, I know I was
14 on the curb.

15 I -- you know? You're thinking the worst during
16 these situations. Am I going to trip? Fall back? And
17 it's easy for someone to jump up, lunge forward, and
18 just stab you or slash you. All those things are going
19 through your mind. Not always in this -- on this job,
20 driving around every day. I've -- I've fallen off curbs
21 backpedaling.

22 So those things were going through my mind. There
23 was the open door, a vehicle to my left, bushes to my
24 right, and this guy was in between at my feet lunging at
25 me and I just was in fear he might do that.

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1 DETECTIVE FULLER: So that's when you fired your
2 third round?

3 OFFICER MARTINEZ: Yes, sir.

4 DETECTIVE FULLER: Okay.

5 DETECTIVE RHEAULT: Did -- did you observe any --
6 you described the -- the suspect coming at you. And I
7 believe you yesterday indicated it was like as a
8 fullback or a running back. I can't exactly recall, but
9 he was running towards you?

10 OFFICER MARTINEZ: He was. Yeah.

11 DETECTIVE RHEAULT: And now you've indicated that
12 you've -- you heard people firing to your right. With -
13 - and do you know if there were lethal rounds? At the
14 time you were making the decision to fire or firing, do
15 you know if lethal rounds were being fired by anyone
16 else?

17 OFFICER MARTINEZ: I don't know. I knew when I saw
18 him running that whatever was (UNINTELLIGIBLE) be fired
19 was not working.

20 DETECTIVE RHEAULT: Was not working?

21 OFFICER MARTINEZ: And yeah. And you could see it.
22 He was full sprint. You know, he made -- he made it to
23 -- to my position where I'm supposed to be holding a mic
24 and negotiating with him. He made it past officers on
25 my west, officers on the driver's side door, and he got

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1 to where I'm at. He -- he has one thing on his mind, I
2 believe, and that's to get to me or my partners.

3 DETECTIVE RHEAULT: Okay. So based on what you're
4 saying, whether it was lethal or non-lethal, whatever is
5 potentially being fired is not -- not working?

6 OFFICER MARTINEZ: It's not working.

7 DETECTIVE RHEAULT: I see.

8 OFFICER MARTINEZ: Because it's not -- he's not
9 feeling it. It's not working.

10 DETECTIVE RHEAULT: Okay. When you were firing,
11 what was your -- your background behind the suspect?

12 OFFICER MARTINEZ: I knew my partners were done. I
13 didn't see him in the picture anymore.

14 DETECTIVE RHEAULT: And when you're saying your
15 partners, who would that be?

16 OFFICER MARTINEZ: Well, they had redeployed due to
17 him coming full speed at them.

18 DETECTIVE RHEAULT: Who had redeployed?

19 OFFICER MARTINEZ: On that side, we had Officer
20 Gutierrez and Officer Griffin.

21 DETECTIVE RHEAULT: Okay. Where did they redeploy
22 to?

23 OFFICER MARTINEZ: I didn't see. There's a --
24 there's a bush that is to my right, and so they must
25 have been, I don't know, maybe like four feet from the

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1 original position to where they redeployed, which would
2 have been behind a bush.

3 DETECTIVE RHEAULT: Okay.

4 OFFICER MARTINEZ: And so what was your -- what was
5 your background?

6 OFFICER MARTINEZ: My background was the cinder
7 block wall, an empty residence.

8 DETECTIVE RHEAULT: Uh-huh.

9 OFFICER MARTINEZ: Yeah. That's pretty much it.

10 DETECTIVE RHEAULT: And --

11 DETECTIVE FULLER: And for the third shot, would it
12 have been the driveway?

13 OFFICER MARTINEZ: Yeah. It was -- yeah. It would
14 have been the floor of the driveway there. And I could

15 see that even clear because there was no one behind him.
16 It was just a fence, open door, bush, and then that's
17 it. Just driveway.

18 DETECTIVE RHEAULT: I see. Okay. And -- all right.

19 And you indicate you believed your partners, you're
20 referring to Gutierrez and Griffin, had redeployed?

21 OFFICER MARTINEZ: Yes, sir.

22 DETECTIVE RHEAULT: Because you didn't see them? Is
23 that why?

24 OFFICER MARTINEZ: Yes, sir.

25 DETECTIVE RHEAULT: Okay. Did you see exactly --

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1 did you see them moving or did you -- or are you just
2 realizing they're not there?

3 OFFICER MARTINEZ: I'm realizing they're not there.
4 Yeah.

5 DETECTIVE RHEAULT: Okay.

6 OFFICER MARTINEZ: Especially when I had my picture,
7 I can -- I can see officers behind him.

8 DETECTIVE RHEAULT: The sound you heard, the shot to
9 your left, the first one.

10 OFFICER MARTINEZ: Uh-huh.

11 DETECTIVE RHEAULT: Do you know if that was less
12 lethal or not?

13 OFFICER MARTINEZ: I am not sure, sir.

14 DETECTIVE RHEAULT: Okay. And among the shots
15 you're hearing to your right, you believe it was two to
16 three total?

17 OFFICER MARTINEZ: It sounded like, yes.

18 DETECTIVE RHEAULT: Okay. Did you see the suspect
19 outside the residence at any point prior to him
20 appearing in your -- in front of your spotlight?

21 OFFICER MARTINEZ: No, sir.

22 DETECTIVE RHEAULT: Can you -- I believe you
23 indicated -- correct me if I'm wrong. I believe you
24 indicated that you thought the suspect was holding the
25 knife in his right hand? Or, I mean, I'm sorry. If I

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1 got that incorrect, correct me.

2 OFFICER MARTINEZ: You know, sir, I don't -- I don't
3 really recall. His hands were close to his body.

4 DETECTIVE RHEAULT: Uh-huh.

5 OFFICER MARTINEZ: I want to say it was his right
6 hand because he crosses my spotlight and I -- and I see
7 it, and he's holding it in a -- in a manner where he's
8 going to use it.

9 DETECTIVE RHEAULT: Can you explain what that means?
10 Like how is the -- how is the blade oriented?

11 OFFICER MARTINEZ: Blade down, close to his chest.

12 I -- so I -- I'm not sure if it was his right hand but
13 it was close to his chest, blade down. And from
14 training experience, anybody that holds a knife like
15 that is going to use it.

16 DETECTIVE RHEAULT: Okay.

17 OFFICER MARTINEZ: Isn't going to --

18 DETECTIVE RHEAULT: When you say blade down, does
19 that mean the point's pointing down?

20 OFFICER MARTINEZ: Yes, sir.

21 DETECTIVE RHEAULT: Okay. The blade's extending out
22 from the bottom of his hand?

23 OFFICER MARTINEZ: It's not completely -- bottom of
24 his hand. Yeah. It's not completely down at 6:00
25 o'clock but in a motion where he's going to slash --

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1 DETECTIVE RHEAULT: Okay.

2 OFFICER MARTINEZ: -- or stab.

3 DETECTIVE RHEAULT: I didn't ask you yesterday.

4 Where were you aiming before you fired your second shot?

5 Where were you aiming on the suspect? Assuming -- were
6 you aiming at the suspect?

7 OFFICER MARTINEZ: I was, center mass, just to stop
8 him.

9 DETECTIVE RHEAULT: I believe you indicated you were
10 walking backwards or redeploying backwards?

11 OFFICER MARTINEZ: Yes.

12 DETECTIVE RHEAULT: All right. Was that as you're
13 firing?

14 OFFICER MARTINEZ: I believe it was at the same
15 time. I was trying to get back away from the door and I
16 get trapped there.

17 DETECTIVE RHEAULT: Okay. Do you know if the --
18 your door remained open or closed?

19 OFFICER MARTINEZ: I don't remember, sir.

20 DETECTIVE RHEAULT: Okay.

21 OFFICER MARTINEZ: I believe it remained open.

22 DETECTIVE RHEAULT: Uh-huh.

23 OFFICER MARTINEZ: I think it was closed once we --
24 it was over and we were taking him into custody. I'm
25 not sure, though.

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1 DETECTIVE RHEAULT: Uh-huh.

2 DETECTIVE FULLER: The suspect was next to where the
3 -- in the door area when the Fire Department came up and
4 started First Aid?

5 OFFICER MARTINEZ: Yes. I believe he was just past
6 our door or past my door a little bit.

7 DETECTIVE RHEAULT: Before you fired your second
8 round, was the suspect still possessing the knife?

9 OFFICER MARTINEZ: Yes. He was still holding it and
10 still lunging, running forward, without stopping.

11 DETECTIVE RHEAULT: And is -- was the manner he was
12 holding it different than how you described --

13 OFFICER MARTINEZ: The same.

14 DETECTIVE RHEAULT: -- for your --

15 OFFICER MARTINEZ: The same.

16 DETECTIVE RHEAULT: The same? Your third and final
17 shot, where were you aim -- what were you aiming your
18 pistol at that -- for that shot?

19 OFFICER MARTINEZ: Body.

20 DETECTIVE RHEAULT: Body?

21 OFFICER MARTINEZ: Yeah.

22 DETECTIVE RHEAULT: Where specifically on the body?
23 Do you know? If --

24 OFFICER MARTINEZ: I just remember seeing shoulder
25 and I was just trying to stop. That's -- stop him from

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1 moving at all with his hands. I remember just shoulder,
2 seeing shoulder and -- and part of his chest. That's
3 it.

4 DETECTIVE RHEAULT: Uh-huh. Okay. Detective
5 Fuller.

6 DETECTIVE FULLER: Hi. This is -- for the tape,
7 this is Detective Fuller. Will you forgive me? I'm
8 going to jump around a little bit just to kind of fill
9 in some gaps here. When you were responding to the
10 call, you were -- what were you wearing?

11 OFFICER MARTINEZ: Full uniform.

12 DETECTIVE FULLER: So --

13 OFFICER MARTINEZ: Police uniform.

14 DETECTIVE FULLER: -- you were in a police uniform?

15 OFFICER MARTINEZ: Yes, sir.

16 DETECTIVE FULLER: Okay. And when you responded to
17 the incident, did you show yourself en route to the
18 call?

19 OFFICER MARTINEZ: I believe so.

20 DETECTIVE FULLER: Okay.

21 ATTORNEY WINSLOW: Did you do it yourself or your
22 partner?

23 OFFICER MARTINEZ: No. I -- I didn't do it.

24 DETECTIVE FULLER: Okay.

25 OFFICER MARTINEZ: I believe my partner did it.

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1 DETECTIVE FULLER: Do you know how he did that?

2 OFFICER MARTINEZ: I'm not sure, sir. I don't know.

3 DETECTIVE FULLER: Okay. And were you responding
4 Code 3?

5 OFFICER MARTINEZ: Yes.

6 DETECTIVE FULLER: Okay. And where were you
7 initially responding from?

8 OFFICER MARTINEZ: The station here, Foothill.

9 DETECTIVE FULLER: Okay. And once you got to the
10 location, did you guys show yourselves Code 6?

11 OFFICER MARTINEZ: I did not. I don't know if my
12 partner did or not.

13 DETECTIVE FULLER: Okay. It's --

14 OFFICER MARTINEZ: I remember he asked -- they were
15 trying to raise us. I don't remember what he asked. I
16 had to step away on to the street. And things were
17 getting set up.

18 I did say, "77, is there a message?"

19 And I said, "We're Code 6," at one point, I believe.

20 And I don't think -- you know, I don't know if she
21 caught it or not but --

22 DETECTIVE FULLER: Okay. And then do you -- is
23 there -- as the driving officer, is that usually your
24 responsibility or do you guys have set roles as far as
25 notifying communications?

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1 OFFICER MARTINEZ: No. It's both our
2 responsibilities. Primarily, the passenger will do
3 that. When there is an emergency or a backup like that,
4 we try to stay off the air. And sometimes, we tie up
5 the RTO if we can. Other times, while there's a pause
6 in whatever we're doing, we'll try to reach out and let
7 her know, or let the RTO know.

8 DETECTIVE FULLER: Okay. And then moving onto when
9 you saw the -- the knife in the suspect's hand --

10 OFFICER MARTINEZ: Uh-huh.

11 DETECTIVE FULLER: -- I believe you said you want to
12 say it was his right hand. Did you ever see him -- did
13 he ever like transfer hands or change his grip?

14 OFFICER MARTINEZ: No. I didn't see none of that.

15 DETECTIVE FULLER: Okay. Did you ever see him throw
16 or -- throw the knife, drop the knife?

17 OFFICER MARTINEZ: No. I didn't see none of that.

18 DETECTIVE FULLER: Can you remember when the last
19 time, like your last solid memory of that knife, like
20 where is it?

21 OFFICER MARTINEZ: When -- after my second shot when
22 he's going down, at that point, I don't remember where I
23 was at, or I didn't see it fall or maybe hear it. I
24 believe I would have heard it on the concrete. I
25 didn't, you know? I know there was two that was going

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1 through my mind. Officers saw two. I just saw one. I
2 don't know if it was tucked in or what he did with it
3 from that back door where it was broadcasted to two feet
4 in front of me.

5 I don't remember. I don't know where it -- where it
6 would have been.

7 DETECTIVE FULLER: Okay. And then other than the
8 positions you've described to us, that being sort of by
9 the -- the cinder block pillar at the vehicle, did you
10 ever go into the yard, go into the rear of the location?

11 OFFICER MARTINEZ: During the incident, sir?

12 DETECTIVE FULLER: Yeah, during the incident.

13 OFFICER MARTINEZ: No, sir.

14 DETECTIVE FULLER: Okay. Can -- did you see if the
15 -- what, if any, injuries the suspect had? Can you
16 describe them?

17 OFFICER MARTINEZ: No. I just saw -- I saw what
18 looked like blood on his shirt, but yeah. I was in

19 shock for a little bit trying to gather myself.

20 DETECTIVE FULLER: Okay. And you mentioned you --
21 you heard the shot off to your left, and then you saw
22 the officers shooting a beanbag and possibly shooting a
23 pistol --

24 OFFICER MARTINEZ: Uh-huh.

25 DETECTIVE FULLER: -- to your right. So other than

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1 those things, did you -- at any point, did you see any
2 other officers use any type of force?

3 OFFICER MARTINEZ: No, sir.

4 DETECTIVE FULLER: Okay. Now, kind of after the --
5 after the shooting, what -- what happens to the suspect
6 after the -- after the shooting?

7 OFFICER MARTINEZ: After everything stops?

8 DETECTIVE FULLER: Yeah.

9 OFFICER MARTINEZ: I stay on target to make sure he
10 doesn't move again. And then officers put an arrest
11 team together and they come around the bush that was to
12 my right onto the sidewalk. And it looks like they
13 walked west on the sidewalk and took him into custody.
14 Then we requested the RA. And then the -- the RA
15 transported.

16 DETECTIVE FULLER: Okay. Can you describe how he
17 was or physically taken into custody?

18 OFFICER MARTINEZ: I don't recall, sir. Maybe
19 turned over and then handcuffed. I don't remember.

20 DETECTIVE FULLER: Okay. And was he doing or saying
21 anything at that time? Did you --

22 OFFICER MARTINEZ: I don't recall. I don't
23 remember.

24 DETECTIVE FULLER: Okay. I don't have any other
25 questions.

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1 DETECTIVE RHEAULT: You -- we -- you were asked if
2 you ever went to the back of the house, you know, during
3 -- and you clarified during the incident and answered,
4 "No."

5 Did you go back there at any point at all?

6 OFFICER MARTINEZ: I did after it was over and he
7 was transported, I believe. I wanted to make sure no
8 one stepped on anything that was important to -- as far
9 as evidence or anything, because it was a lot of people
10 walking around. And I was trying to control everything,
11 gather myself. That's the only time I think I made it
12 to the front of the shop onto the driveway just inside
13 the residence.

14 And that was it. Then I -- I went back on to the
15 street.

16 DETECTIVE RHEAULT: Okay. When you say just inside
17 the residence, are you -- you're talking in the front of
18 the shop. Are you talking about just inside the
19 courtyard?

20 OFFICER MARTINEZ: Just inside the driveway, yes.
21 Along the driveway. Not inside the residence but on the
22 driveway.

23 DETECTIVE RHEAULT: Okay. And --

24 OFFICER MARTINEZ: In front of the black-and-white.

25 DETECTIVE RHEAULT: Did you ever go to the back or

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1 side of the residence?

2 OFFICER MARTINEZ: No, sir.

3 DETECTIVE RHEAULT: No? Okay. Were you identified
4 as the super -- by a supervisor as someone involved in a
5 --

6 OFFICER MARTINEZ: Yes.

7 DETECTIVE RHEAULT: -- in a shooting? Which
8 supervisor identified you?

9 OFFICER MARTINEZ: Sergeant Alferez.

10 DETECTIVE RHEAULT: Did -- were you given an order
11 not to discuss?

12 OFFICER MARTINEZ: Yes.

13 DETECTIVE RHEAULT: Were you separated?

14 OFFICER MARTINEZ: Yes.

15 DETECTIVE RHEAULT: By -- by who?

16 OFFICER MARTINEZ: Sergeant Alferez had me separated
17 with a West Valley sergeant. I believe his name is
18 Sergeant Diaz. I'm not sure, sir.

19 DETECTIVE RHEAULT: Okay. It -- were you
20 transported back to Foothill Station?

21 OFFICER MARTINEZ: Yes.

22 DETECTIVE RHEAULT: By who?

23 OFFICER MARTINEZ: Sergeant Diaz, if that's his
24 name.

25 DETECTIVE RHEAULT: Okay. And then back in for a

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1 walkthrough?

2 OFFICER MARTINEZ: A walkthrough. I came back with
3 Sergeant Ginther.

4 DETECTIVE RHEAULT: Ginto?

5 OFFICER MARTINEZ: Ginther.

6 DETECTIVE RHEAULT: Ginther?

7 OFFICER MARTINEZ: Yeah.

8 DETECTIVE RHEAULT: Who monitored you at Foothill

9 Station between the time you were brought back and

10 before you went out for the walkthrough?

11 OFFICER MARTINEZ: So Sergeant Diaz in the
12 beginning. And then he was sent somewhere else. And
13 then I was monitored by Sergeant Kavastani, who was the
14 Day Watch sergeant.

15 DETECTIVE RHEAULT: Uh-huh.

16 OFFICER MARTINEZ: And then Sergeant Kavastani
17 needed -- was needed on patrol, so I was monitored by
18 our complaint sergeant, Sergeant Ginther.

19 DETECTIVE RHEAULT: Okay. And are you

20 OFFICER MARTINEZ: And that's -- and that was the
21 rest of the day.

22 DETECTIVE RHEAULT: Okay. And -- and again, who
23 brought you out? That was Gunter who brought you out?

24 OFFICER MARTINEZ: Yes, Ginther. Yes.

25 DETECTIVE RHEAULT: Ginther. Thank you. All right.

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1 I don't have any other questions.

2 ATTORNEY WINSLOW: Nothing from me. Thanks.

3 DETECTIVE RHEAULT: Is there anything we have not
4 asked you as part of this incident you feel is important
5 for us to know?

6 OFFICER MARTINEZ: No, sir. I just feel really bad
7 we're here doing this. It could have been not here, a
8 different outcome.

9 ATTORNEY WINSLOW: Did you do everything you could
10 to prevent this?

11 OFFICER MARTINEZ: I did everything I -- I feel like
12 I did. And, you know, unfortunately, it didn't work out
13 well and we had to use different means, but it's
14 unfortunate.

15 DETECTIVE RHEAULT: Okay. The time now is 2155
16 hours, and that will conclude our interview.

17 // SUBJECT TO
18 ///

19 PROTECTIVE ORDER
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